

1 COMMISSIONER DOBSON: Do we need a motion?

2 CHAIRMAN JAMES: I don't think we do. I
3 think we can just direct the staff that it is the
4 sense of this Commission that that would be an
5 efficient way to handle the business of this
6 Commission.

7 MS. KENNEDY: Good. We can probably be up
8 and running by the first of next month.

9 CHAIRMAN JAMES: The first order of new
10 business is the recently released request for proposal
11 for research on gambling behavior, including a
12 national survey, and again, I want to thank Leo and
13 the Research Subcommittee, plus Drs. Kelly and Reuter
14 for the outstanding work that they did on the RFP.

15 I believe that all of the Commissioners
16 have a copy.

17 The bids should be in next month, after
18 which a technical advisory group will then evaluate
19 the proposals and recommend a selection to the
20 Research Subcommittee and to the chair.

21 At this point I want to know if there's
22 any discussion that we have on the RFP, and the chair

1 recognizes Commissioner Wilhelm.

2 COMMISSIONER BIBLE: Isn't this going to
3 be part of our Research Committee meeting presentation
4 tomorrow morning?

5 CHAIRMAN JAMES: It could be easily.
6 We're just reporting on the RFP having been let.

7 COMMISSIONER WILHELM: There are some
8 issues related to that, but if it's not inappropriate,
9 I would prefer to bring them up in the course of the
10 Research Committee report.

11 CHAIRMAN JAMES: That's fine. This is
12 just a matter of information for the public that the
13 RFP has been let, and if you'd like to save the
14 discussion for tomorrow I think that's entirely
15 appropriate.

16 The next order of business is the question
17 as to whether or not we need to create any additional
18 subcommittees. I was asked this by staff. I told
19 them that I would put it as a matter of discussion
20 under new business and wondered if you had any
21 particular comments, if you see any particular needs
22 that are not being met by the Commission right now,

1 that we need to formulate any subcommittees.

2 Is there any discussion or questions in
3 that area?

4 (No response.)

5 CHAIRMAN JAMES: Hearing none, and I will
6 ask that question periodically, and if Commissioners
7 see the need, I would always include that as a matter
8 of our agenda.

9 We're at the point now in our agenda where
10 we're actually going to be -- I think we're a little
11 ahead of schedule for our lunch break, but before we
12 break for lunch, I want to talk about our time
13 together and when we come back.

14 The Commission is scheduled to reconvene
15 at seven o'clock tonight. I want to address a
16 particular issue that came up. We have I believe it's
17 eight people who have asked to testify anonymously.
18 I want to accord them the opportunity to do that, but
19 at the same time to make sure that we stay on schedule
20 and that we accommodate the rest of the Commission.

21 And so my suggestion to -- actually I
22 can't take full credit for this. It was a suggestion

1 that came from Commissioner Wilhelm, and I think it's
2 a good suggestion for how we should proceed at this
3 point -- is that we reconvene in a closed session at
4 6:30 tonight, and at this time will hear the testimony
5 from the eight people who did request anonymity.

6 By doing this in a closed session, we will
7 honor their request, and by beginning the remaining
8 public testimony at seven o'clock as scheduled to even
9 move perhaps an additional eight people from the
10 waiting list and move up to be able to testify before
11 the Commission.

12 Is there any discussion on that among the
13 Commissioners and what would be your pleasure?

14 COMMISSIONER BIBLE: From my perspective
15 that makes sense. Is there any kind of a legal
16 problem for closing that portion?

17 COMMISSIONER WILHELM: He was very excited
18 at the mention of a legal problem.

19 (Laughter.)

20 MR. TERWILLIGER: The Commission can,
21 under the operating rules that it adopted, close a
22 portion of the meeting at its discretion with advance

1 notice, and so long as you all are comfortable that
2 the time between now and later is advance notice,
3 then you're entitled.

4 COMMISSIONER BIBLE: I'm mostly
5 comfortable if you're comfortable.

6 CHAIRMAN JAMES: If you're comfortable,
7 we're comfortable.

8 COMMISSIONER BIBLE: Right.

9 COMMISSIONER DOBSON: Madame Chairman,
10 have those who are going to testify asked for
11 anonymity?

12 CHAIRMAN JAMES: Yes, they have.

13 Now, their testimony will be made
14 available, but in trying to protect their anonymity,
15 we thought this was the best way proceed.

16 They have requested that. It is not
17 unusual for people who testify before federal
18 commissions to want anonymity. So we're going to
19 proceed in that way, and so the Commission will come
20 back together at 6:30 to receive that testimony, and
21 then at seven o'clock we will go into our open public
22 comment period.

1 MR. TERWILLIGER: Just a moment.

2 CHAIRMAN JAMES: Absolutely.

3 MR. TERWILLIGER: I just want to point out
4 two things. All meetings of the Commission -- this is
5 our Rule 4(b) -- "all meetings of the Commission will
6 be open to the public unless otherwise determined in
7 advance."

8 It doesn't say that the Commission has to
9 take a vote, and I do not believe that so long as the
10 advanced determination is made in a public session
11 that a vote is necessary, but if any of the
12 Commissioners so wished to take a vote you could do
13 that.

14 Secondly, the rules concerning
15 witnesses -- just a moment. This is Rule 4(g) --
16 state that "witnesses who are to appear before the
17 Commission shall file with the Commission three
18 business days in advance 20 copies of a written
19 statement of their testimony and proposed exhibits for
20 the benefit of the members of the Commission and
21 staff. Witnesses' oral testimony may be limited to a
22 brief summary of their submission."

1 I don't know whether that has been
2 followed in connection with these or any other
3 witnesses who are coming here, but what I would
4 suggest to the chair at least for consideration and
5 discussion among the Commission members is to the
6 extent that the rules may be read as anticipating
7 generalized public testimony by witnesses, that it
8 would not be inappropriate for the Commission to take
9 a vote to accept this testimony in that manner for the
10 reasons that have been stated.

11 I don't really think it's a closed
12 Commission meeting per se, although somebody could
13 certainly read it that way. You're not going to
14 transact deliberative process in that meeting, but
15 rather just take testimony.

16 The testimony itself, as I understand what
17 you've said, will be available. So it's not secret
18 testimony. It's just that the identity of the
19 witnesses is -- there's an attempt to preserve the
20 confidentiality of that.

21 But, again, I think you can also do
22 nothing. I'm just recommending that the safer course

1 might be to take a vote.

2 CHAIRMAN JAMES: Any other further
3 discussion on this point?

4 (No response.)

5 CHAIRMAN JAMES: On the advice of counsel
6 let's take a vote that we would be willing to receive
7 the testimony of these individuals who have requested
8 anonymity in a closed session at 6:30.

9 All in favor please signal --

10 COMMISSIONER DOBSON: Madame Chairman.

11 CHAIRMAN JAMES: Yes.

12 COMMISSIONER DOBSON: May I ask one more
13 question?

14 CHAIRMAN JAMES: You certainly may.

15 COMMISSIONER DOBSON: I served on the
16 Attorney General's Commission on Pornography, which
17 was very, very sensitive obviously and people who were
18 addicted to pornography or who had been abused by it
19 were very concerned about having their identities
20 revealed.

21 But that testimony was very, very
22 important to understanding of the work of the

1 commission and to the public, and so it was done
2 behind shade where you saw the shadow, the silhouette
3 of the person, and in some cases their voices were
4 changed electronically.

5 That way we accomplished both things. If
6 we're setting a precedent for the rest of the
7 Commission where people who have something to say
8 about the impact of gambling and they only get to say
9 it behind closed doors, I'm not sure I agree with
10 that.

11 CHAIRMAN JAMES: No, please. I don't
12 think that this should imply any sort of precedent at
13 all, and there are individuals who would prefer to
14 give their testimony in that way, and they should be
15 accommodated.

16 Any other questions?

17 COMMISSIONER DOBSON: Could I just ask
18 that in future meetings that the staff look at the
19 possibility of some kind of testimony where you
20 protect the identity of the person, but the public
21 gets to hear it?

22 CHAIRMAN JAMES: Absolutely. And I hope

1 that the public will take the time to read this
2 testimony, and it will be made available. It's not
3 secret testimony. It's just to protect the identity
4 of those individuals who want to testify.

5 Is anybody willing to call for the
6 question on this?

7 COMMISSIONER WILHELM: I'll so move.

8 COMMISSIONER LEONE: I'll second your
9 motion.

10 CHAIRMAN JAMES: It has been moved and
11 seconded. All in favor?

12 (Chorus of ayes.)

13 CHAIRMAN JAMES: Any opposed?

14 (No response.)

15 CHAIRMAN JAMES: Thank you.

16 With that, the Commission meeting stands
17 in recess.

18 (Whereupon, at 12:39 p.m., the meeting was
19 recessed for lunch, to reconvene at 7:00 p.m., the
20 same day.)